

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Evelyn Lossia,

Plaintiff,

v.

Case No.: 11-12607
Honorable Sean F. Cox

Detroit Board of Education, *et al.*,

Defendants.

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

Plaintiff filed this employment discrimination action against the Detroit Board of Education, Detroit Public Schools, and a number of current and former Detroit Public School (“DPS”) officials and employees (together, “Defendants”). Plaintiff’s complaint¹ alleges federal and state racial discrimination, racial harassment, disability discrimination, and retaliation claims, as well as First Amendment, Fourteenth Amendment, and whistleblower protection claims.

On November 23, 2011, this Court issued an Opinion & Order Denying Plaintiff’s Motion for an Ex Parte Emergency Temporary Restraining Order and Preliminary Injunction to Protect Students and to Ensure Federal Law is Followed. In her motion, Plaintiff asserted that Defendants, including the Detroit Public Schools (“DPS”), are in violation of federal law regarding special education services, specifically certain federal regulations associated with the Individuals with Disabilities Education Act (“IDEA”), and requested a temporary restraining

¹Plaintiff has since filed an Amended Complaint (D.E. No. 24).

order “to protect students” from continued violations. The Court held that “[b]ecause Plaintiff has failed to satisfy the injury in fact requirement for standing . . . Plaintiff lacks standing to seek the injunctive relief requested.” (Nov. 23, 2011 Opinion & Order at 9).

On December 7, 2011, Plaintiff filed a motion for reconsideration regarding the Court’s Opinion & Order on her motion for temporary restraining order and preliminary injunction. (D.E. No. 17). Plaintiff’s motion for reconsideration is actually a motion to clarify the Court’s November 23, 2011 Opinion & Order. In her motion, Plaintiff requests “that this Honorable Court clarify its order to make it clear that it was not issuing a ruling that: 1. Plaintiff did not have standing to bring her Rehabilitation Act and ADA claims; and 2. That Plaintiff did not exhaust her administrative remedies under these acts.” (Plf’s Br. at 6).

Plaintiff filed a motion for reconsideration of the Court’s November 23, 2011 Opinion & Order Denying Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction, but instead requests relief that is unrelated to the Court’s November 23, 2011 order.

Accordingly, Plaintiff’s motion for reconsideration (D.E. No. 17) is DENIED.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Court

Dated: March 21, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 21, 2012, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager